



PATENT
Express Mail No. **EV 281047071 US**
Docket No. 16184.006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

JUL 26 2004

In re Application of:
JOHN Y. MASON *et al.*

Serial No: 09/997,694

Filed.: November 30, 2001

For: **METHODS OF USING CHLORINE
DIOXIDE AS A FUMIGANT**

Examiner: M. Chorbaji

Art Unit: 1744

OFFICE OF PETITIONS

PETITION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.182, the undersigned hereby request permission to act as counsel of record in the above identified application for Sabre Oxidation Technologies, Inc. ("Sabre").

Statement of Facts

There are four named inventors in the above identified application. Inventor, Gerald Cowley, assigned his undivided inventorship interest in the above identified application to Sterling Pulp Chemicals, Ltd. by assignment recorded at Reel 013443, Frame 0237.

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Inventor, Sameh F. Eltomi, assigned his undivided inventorship interest in the above identified application to Ashland Inc. by assignment recorded at Reel 013759, Frame 0971.

Inventors, John Y. Mason and Darrell L. Dechant, previously executed an Assignment to Sabre Oxidation Technologies, Inc., recorded at Reel 013464, Frame 0647. However, the Assignment Recordation cover sheet listed the wrong application serial number as did the Assignment itself. Accordingly, a new Assignment has been prepared. The Assignment document enclosed along with this Petition corrects both errors. A true and correct copy of this original Assignment is being submitted for recordation under separate cover concurrently herewith. This new Assignment to Sabre has only been executed by John Y. Mason. A separate Assignment will be obtained from Mr. Dechant and will be filed in due course.

On May 14, 2004, ERCO Worldwide, a division of Superior Plus Inc. ("ERCO") and successor in interest to Sterling Pulp Chemicals, Ltd. ("Sterling") notified both Ashland Inc. and Sabre that it is relinquishing its part interest in the above identified application. See May 14, 2004 letter from E.J. Bechberger submitted concurrently herewith.

A formal Assignment of Sterling's interest in this application is being prepared and will be submitted in due course.

In view of all of the above, Sabre is filing herewith a Statement under 37 C.F.R. § 3.73(b) stating that the extent (by percentage) of its ownership interest in the above identified application is 50%. Last, Sabre has executed and is filing herewith, a Revocation of Prior Power of Attorney and Appointment of New Attorneys of Record. In accordance therewith, Sabre is stating its expressed desire to revoke any prior power of attorney granted in the above identified

application and to appoint the undersigned to act on its behalf and represent its ownership interest herein.

Discussion

It is respectfully submitted that the enclosed documents establish the partial ownership interest of Sabre in the above captioned application. The Commissioner has held that when the owner of a partial interest in an application revokes a Practioner's Power of Attorney and appoints a new Practioner to act on its behalf, this mandates that the former Practioner may not continue as the sole representative of the ownership interests in the case. In re Goldstein, 16 U.S.P.Q. 2d (Commr. Dec. 1963). The Commissioner also held that under these circumstances correspondence with the Patent and Trademark Office must be signed by counsel for both ownership interests. Id.

For all the foregoing reasons, the undersigned respectfully requests recognition to act on behalf of Sabre in representing its partial ownership interest in the above identified application and further requests that no further action may be taken in the above identified application without participation of the undersigned, including but not limited to, a requirement that the undersigned counsel of record for Sabre must sign any documents submitted to the Patent and Trademark Office in connection with the above identified application.

Enclosed is a check in the amount of \$130.00 in payment of the fee for the submission of this Petition and enclosures herewith. The U.S. Patent and Trademark Office is hereby authorized to have any excess or insufficiency credited or debited from our deposit account no. 03-1240.

I hereby certify that this correspondence is being deposited with the United States Express Mail Postal Service as Express Mail under Express Mail No. **EV 281047071 US** in an Express Mail envelope addressed to the Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on July 19, 2004.

Mark E. Waddell

Respectfully submitted,

By: *Mark E. Waddell*

Mark E. Waddell

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